

S491. Misbranding of cracked cottonseed feed. U. S. * * * v. Planters Oil Co., a Corporation. Judgment of guilty. Fine, \$25 and costs. (F. & D. No. 11125. I. S. No. 10836-r.)

On December 29, 1919, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Planters Oil Co., a corporation, Hearne, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 3, 1918, from the State of Texas into the State of Kansas, of 600 sacks, more or less, of an article, labeled in part "100 Pounds (net) Cracked Cotton Seed Feed Number Four," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the protein content was 40.55 per cent. Examination of 61 sacks showed an average net weight of 95.39 pounds.

Misbranding of the article was alleged in substance in the information for the reason that certain statements appearing on the label, to wit, "Protein not less than 41.20 Per Cent" and "100 Pounds (Net)," were false and misleading in that they represented to purchasers of the article that it contained not less than 41.20 per cent of protein, and that each sack of the article contained not less than 100 pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article contained not less than 41.20 per cent of protein, and that each sack of the same contained not less than 100 pounds of the article, whereas, in fact and in truth, it contained less than 41.20 per cent of protein, and each sack of the article contained less than 100 pounds thereof. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly or conspicuously marked on the outside thereof in terms of weight, measure, or numerical count.

On February 23, 1920, the defendant, having conceded a violation of the law, was adjudged guilty, and the court imposed a fine of \$25 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

S492. Adulteration of raisins. U. S. * * * v. 120 Cases of Raisins. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11149. I. S. No. 2047-r. S. No. W-474.)

On or about August 29, 1919, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 120 cases of raisins, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Rosenberg Bros. & Co., San Francisco, Calif., on or about May 21, 1919, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that sand had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On July 20, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*